

REMARKS

By this Amendment, claims 1, 19, 20, and 24 are amended to include the features of claim 9, claims 12 and 13 are amended into independent form, and claims 9, and 21-23 are canceled without prejudice or disclaimer of the subject matter contained therein. Accordingly, claims 1-8 and 10-20, and 24 are pending in this application. Applicant respectfully requests reconsideration of the pending claim at least in light of the following remarks.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Lai in the December 14, 2005 telephone interview. Applicant incorporates a separate record of the substance of the interview into the following remarks. Specifically, Examiner Lai mistakenly indicated that the outstanding Office Action was a Final Rejection. Thus, as agreed to by Examiner Lai, the outstanding Office Action is not Final Rejection and prosecution has not been closed. Accordingly, Applicant treats the rejections below as non-final.

The Office Action makes final the restriction of claims 21-23. Accordingly, by this Amendment, Applicant cancels claims 21-23 without prejudice or disclaimer of the subject matter contained therein.

The Office Action rejects claims 1-5, 17-20, and 24 under 35 U.S.C. §103(a) over U.S. Patent No. 6,856,044 to Reis-Muller in view of U.S. Patent No. 5,155,467 to Matsubara. Applicant respectfully traverses the rejection.

By this Amendment, Applicant amends independent claims 1, 19, 20, and 24 to include the features of claim 9. Accordingly, claims 1, 19, 20, and 24 are patentable over the combination of Reis-Muller and Matsubara for at least the reasons that claim 9 is patentable over the combination of Reis-Muller and Matsubara. Further, claims 2-5, 17, and 18 are patentable for at least the reasons that claim 1 is patentable over the combination of Reis-

Muller and Matsubara, as well as for the additional features they recite. Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claims 6-11 and 14-15 under 35 U.S.C. §103(a) over the combination of Reis-Muller and Matsubara in view of U.S. Patent Application Publication No. 2002/39951 to Hasegawa. Applicant respectfully traverses the rejection.

As discussed above, claim 1 is amended to include the features of claim 9 and claim 9 is canceled. Accordingly, Applicant will address the rejection on claim 9 in the context of claim 1. The combination of Reis-Muller, Matsubara, and Hasegawa fails to disclose, teach, or suggest that "the acceleration detection unit is an acceleration sensor which was disposed in a front collision air bag ECU, an acceleration sensor which was disposed in a side collision air bag ECU, an acceleration sensor which is used for electronic control suspension, and/or an acceleration sensor which is used for a vehicle stability control system," as recited in claim 1.

In rejecting claim 9, the Office Action appears to allege that it is inherent that the data obtained from acceleration and yaw sensors used in an antitheft device would also be used to control the suspension and stability of the vehicle. However, the Office Action fails to point to any disclosure in either of Reis-Muller, Matsubara, or Hasegawa to support such a conclusion. In order for something to be inherent, it must be necessarily present (MPEP §2131.01). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic (MPEP §2112(IV)). Thus, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art (id.). The Office Action has failed to meet this burden.

In rejecting claim 9, the Office Action simply postulates that the data from a sensor on an anti-theft device could also be used to control the suspension and stability of a vehicle. However, to support a proper rejection based on inherency, the Office Action would have to

allege, with a basis in fact or technical reasoning that the data from a sensor on an anti-theft device must always (i.e., necessarily) be used to control the suspension and stability of a vehicle. Because the Office Action has both failed to allege that the data from a sensor on an anti-theft device must always be used to control the suspension and stability of a vehicle or provide a basis in fact or technical reasoning for such an assertion. The rejection of claim 9, as now applied to claim 1 is improper. Further, the rejection of claims 6-8, 10, 11 and 14-15, dependent on claim 1 are also improper. Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claims 12 and 13 under 35 U.S.C. §103(a) over the combination of Reis-Muller and Matsubara in view of U.S. Patent No. 6,940,405 to Script and further in view of U.S. Patent No. 5,579,230 to Lin or U.S. Patent No. 6,186,539 to Foo. Applicant respectfully traverses the rejection.

Applicant submits herewith an accurate translation of Japanese Patent Application No. 2003-033231, filed February 12, 2003, which is relied on for the priority of claims 12 and 13 (as well as other claims). Accordingly, Applicant has perfected priority of Japanese Patent Application No. 2003-033231. Script was filed on July 3, 2003. Accordingly, under the provisions of 35 U.S.C. §102, Script is no longer prior art with respect to claims 12 and 13. As a result, the rejection of claim s12 and 13 is improper. Applicant respectfully requests withdrawal of the rejection.

The Office Action rejects claim 16 under 35 U.S.C. §103(a) over the combination of Reis-Muller, Matsubara, and Hasegawa in view of U.S. Patent No. 6,816,081 to Okada. Applicant respectfully traverses the rejection.

This rejection is premised upon the presumption that the combination of Reis-Muller, Matsubara, and Hasegawa discloses all of the features of claim 1. Because, as discussed above, the combination of Reis-Muller, Matsubara, and Hasegawa does not disclose all of the

features of claim 1, the rejection is improper. Applicant respectfully requests withdrawal of the rejection.

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of claims 1-8 and 10-20, and 24.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: March 9, 2006

Attachments:

Translation of Japanese Patent Application No. 2003-033231

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